IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	) Group Art Unit: 2442
	)
Xin Xue *et al.*	)
	) Examiner: Blair, Douglas B.
Serial No.: 10/666,888	)
	)
Filed: September 17, 2003	) **APPEAL BRIEF**
	)
	)
For: **VERSION BASED CONTENT**	) 162 North Wolfe Road
DISTRIBUTION AND	) Sunnyvale, California 94086
SYNCHRONIZATION SYSTEM	) (408) 530-9700
AND METHOD	)
	) Customer No. 28960

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

    In furtherance of the Applicants' Notice of Appeal filed on July 30, 2010, this Appeal Brief is submitted. This Appeal Brief is submitted in support of the Applicants' Notice of Appeal, and further pursuant to the rejection mailed on May 5, 2010, in which Claims 1-20 and 29-51 were rejected. The Applicants submit this Appeal Brief to the Board of Patent Appeals and Interferences in compliance with the requirements of 37 C.F.R. § 41.37, as stated in *Rules of Practice Before the Board of Patent Appeals and Interferences (Final Rule)*, 69 Fed. Reg. 49959 (August 12, 2004). The Applicants contend that the rejections of Claims 1-20 and 29-51 in this proceeding are in error, were previously overcome and are overcome again by this appeal.

I. REAL PARTIES IN INTEREST

As the assignee of the entire right, title, and interest in the above-captioned patent application, the real parties in interest in this appeal, is:

Sony Corporation, a Japanese corporation
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Sony Electronics Inc., a corporation of the State of Delaware
1 Sony Drive
Park Ridge, NJ 07656-8003

per the assignment document filed on September 17, 2003.

II. RELATED APPEALS AND INTERFERENCES

The Applicants are not aware of any other appeals or interferences related to the present application.

III. STATUS OF THE CLAIMS

Claims 1-20 and 29-51 are involved in the appeal. Claims 21-28 have been previously cancelled. Claims 1-14, 18, 19, 29-39, 41-47 and 49-51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,848,064 to Cowan ("Cowan" a copy of which is attached as Exhibit A) in view of U.S. Patent No. 7,117,482 to Nguyen et al. ("Nguyen" a copy of which is attached as Exhibit B). Claims 15-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cowan in view of U.S. Patent No. 6,990,498 to Fenton et al. ("Fenton" a copy of which is attached as Exhibit C). Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Cowan in view of U.S. Patent No. 6,119,165 to Li et al. ("Li" a copy of which is attached as Exhibit D). Claims 31, 40 and 48 stand rejected under 35 U.S.C. § 103(a) as

being unpatentable over Cowan in view of U.S. Patent Application No. 2001/0042073 to Saether et al. ("Saether" a copy of which is attached as Exhibit E).

IV.   STATUS OF THE AMENDMENTS FILED AFTER FINAL REJECTION

No amendments to the claims have been filed after the Office Action mailed on May 5, 2010.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

The invention disclosed in the present application number 10/666,888 is directed to a version based content distribution and synchronization system configured for content distribution from a syndicator to a subscriber is disclosed. In some embodiments, the system comprises version based content, a syndicator, subscriber content, and a subscriber. The content comprises a version number and the subscriber content comprises a subscriber content version number. The version based content comprises digital media. The version based content is stored and organized on the syndicator in a tree like structure. The syndicator compares the version number of the version based content with the subscriber content version number of the subscriber content. If the version number is greater than the subscriber content version number 264, the version based content is transferred from the syndicator to the subscriber. In some embodiments, the version based content is distributed and synchronized via an internet protocol method.

The elements of Claim 1, directed to one embodiment of the present invention, are described in the Specification at least at page 8, line 7 through page 10, line 27 and accompanying Figures 1, 2A and 2B. The version based content distribution system comprises content 100 comprising a version number 110, a syndicator 210, wherein the syndicator 210 is configured to transmit the version number 110, subscriber content 262 comprising a subscriber content version number 264 and a subscriber 260 configured to store the subscriber content 262, to compare the version number 110 with the subscriber content version number 264, and to receive the content 100 from the syndicator 210 and increase the subscriber content version number 264 if the version number 110 is larger than the subscriber content version number 264, wherein the syndicator 210 is remote from the subscriber 260.

The elements of Claim 29, directed to one embodiment of the present invention, are described in the Specification at least at page 8, line 7 through page 10, line 27 and accompanying Figures 1, 2A and 2B. The content subscription system comprises a server, a subscriber 260, a server content identification circuit configured to transmit a first signal

representative of a version identifier, wherein the version identifier corresponds to a first content 100 stored within the server, a subscriber content identification circuit configured to receive the version identifier and the first content 100 stored within the server, wherein the subscriber content identification circuit is further configured to generate a second signal representative of a subscriber version identifier, wherein the subscriber version identifier corresponds to a second content stored within the subscriber 260 and a content control circuit configured to transmit the first content 100 to the subscriber content identification circuit and increase the subscriber version identifier in response to the second signal if the first signal is larger than the second signal, wherein the server, the server content identification circuit and the content control circuit are remote from the subscriber 260 and the subscriber content identification circuit.

     The elements of Claim 35, directed to one embodiment of the present invention, are described in the Specification at least at page 8, line 7 through page 10, line 27, page 14, line 18 through page 16, line 12 and accompanying Figures 1, 2A, 2B and 5. The method of distributing content comprises defining a version number 110 for content 100 stored on a computer readable storage medium within a syndicator 210, increasing the version number 110 when the content 100 stored within the syndicator 210 is updated, defining a subscriber version number for content stored on a computer readable storage medium within a subscriber 260, wherein the subscriber 260 is remote from the syndicator 210, transmitting the version number 110 from the syndicator 210 to the subscriber 260, performing a synchronization verification wherein the subscriber version number is compared to the version number 110, downloading the content 100 stored within the syndicator 210 to the subscriber 260 if the subscriber version number is found to be less than the version number 110 during the synchronization verification and increasing the subscriber version number to correspond to the version number 110 following downloading of the content 100 stored within the syndicator 210.

     The elements of Claim 44, directed to one embodiment of the present invention, are described in the Specification at least at page 8, line 7 through page 10, line 27, page 14, line 18 through page 16, line 12 and accompanying Figures 1, 2A, 2B and 5. The method of distributing content to a subscriber 260 comprises defining a subscriber version number for content stored on a computer readable storage medium within a subscriber 260, receiving a syndicator version number 110 for content 100 to be distributed from a syndicator 210 to the subscriber 260, wherein the syndicator 210 is remote from the subscriber 260, performing a synchronization verification wherein the subscriber version number is compared to the syndicator version number 110, downloading the content 100 to be distributed from the syndicator 210 to the subscriber 260

if the subscriber version number is found to be less than the syndicator version number 110 during the synchronization verification and increasing the subscriber version number to correspond to the syndicator version number 110 following downloading of the content 100.

VI. GROUNDS OF REJECTION AND OTHER MATTERS TO BE REVIEWED ON APPEAL

The following issues are presented in this Appeal Brief for review by the Board of Patent Appeals and Interferences:

1. Whether Claims 1-14, 18, 19, 29-39, 41-47 and 49-51 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Cowan in view of Nguyen.

2. Whether Claims 15-17 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Cowan in view of Fenton.

3. Whether Claim 20 is properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Cowan in view of Li.

4. Whether Claims 31, 40 and 48 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Cowan in view of Saether.

VII. ARGUMENT

Grounds for Rejection

Within the Office Action, Claims 1-14, 18, 19, 29-39, 41-47 and 49-51 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Cowan in view of Nguyen.

Outline of Arguments

In the discussion that follows, the Applicants discuss the teachings of Cowan, the teachings of Nguyen and the teachings of the combination of Cowan and Nguyen. As will be discussed in detail below, the combination of Cowan and Nguyen does not teach increasing the subscriber content version number if the version number is larger than the subscriber content version number.

1. Cowan does not teach increasing the subscriber content version number if the version number is larger than the subscriber content version number.

Cowan teaches a wireless communication system and method where software upgrades are wirelessly transmitted to a mobile device based on a determination of whether such an upgrade is necessary. During an initial boot-up procedure, each mobile device queries or otherwise prompts a host computer connected to the system backbone to identify a version of operating software which is stored in the host computer. The mobile device compares the version indicia provided from the host computer with information identifying the version of operating software the mobile device presently has stored within. If the mobile device does not currently have the operating software version identified by the host computer, the mobile device prompts the host computer to download the version stored in the host computer. Otherwise, the mobile device simply continues to operate using the operating software currently stored therein. [Cowan, col. 2, lines 36-55] However, Cowan does not teach increasing the subscriber content version number if the version number is larger than the subscriber content version number. Indeed, within the Office Action it is recognized that Cowan does not teach any comparison of version numbers to determine which is greater. [Office Action of May 5, 2010, page 3] Nguyen is cited for this limitation. However, even if Nguyen teaches comparison of version numbers to determine which is greater, Cowan, Nguyen and their combination still do not teach the presently-claimed invention.

2. Nguyen does not teach increasing the subscriber content version number if the version number is larger than the subscriber content version number.

Nguyen teaches a method of migrating parameter value settings from an older version of software to a newer version of software in a device containing software to be upgraded. [Nguyen, col. 1, lines 36-37]. Nguyen teaches that a computer program is used to generate a map file of the parameters in the new software version of software, and to generate a program to access the parameter values once they are stored in a device. [Nguyen, col. 1, lines 43-47]. The map file includes a version number corresponding to the version number of the software. The map file and access program are then included within the software which is loaded into system memory of the device. [Nguyen, col. 1, lines 49-51]. Thus, Nguyen sends the entire new software update before it can perform any version number checking against the existing software. Consequently,

because Nguyen sends the entire new software update *before* it can perform any version number checking, Nguyen cannot teach a subscriber configured to receive the content from the syndicator if the version number is larger than the subscriber version number wherein the syndicator is remote from the subscriber. In other words, instead of conditioning the sending of the new software update on a comparison of version numbers, Nguyen teaches that the update is sent without any such comparison. Accordingly, Nguyen does not teach increasing the subscriber content version number if the version number is larger than the subscriber content version number.

Furthermore, as discussed above, Cowan also does not teach a subscriber configured to receive the content from the syndicator (or control circuit) and increase the subscriber content version number if the version number is larger than the subscriber content version number wherein the syndicator is remote from the subscriber. Thus, even if Nguyen teaches comparison of version numbers to determine which is greater, Cowan, Nguyen and their combination do not teach a subscriber configured to receive the content from the syndicator and increase the subscriber content version number *if* the version number is larger than the subscriber version number wherein the syndicator is remote from the subscriber. Instead, as described above, this "conditioned" aspect of the transmission of content is missing from both Cowan and Nguyen. Thus, even if Nguyen did teach version number comparison, it still would fail to teach that the receipt of content was conditioned on said comparison. Accordingly, Nguyen does not teach increasing the subscriber content version number *if* the version number is larger than the subscriber content version number.

Moreover, Nguyen teaches that the version number of the current software is determined by reading a version number parameter value stored in a non-volatile random access memory (NVRAM) stored on the device being upgraded. [Nguyen, Abstract] Then, Nguyen teaches that the current version number parameter stored in the NVRAM is compared with a map file. [Nguyen, col. 8, lines 34-47] The map file is included within the software which is loaded into system memory of the device. [Nguyen, col. 1, lines 36-53] Thus, in Nguyen the comparison only occurs on one device and further, requires loading the software before said comparison occurs. Contrarily, in the presently claimed invention, a current version number of content is stored within a syndicator, and the current version number is increased when the content stored within the syndicator is updated. A subscriber version number is defined for content stored within a subscriber, and the current version number is transmitted from the syndicator to the subscriber. A synchronization verification is implemented to compare the subscriber version

number and the current version number to determine if the content should be downloaded. Therefore, the presently claimed invention differs from Nguyen in that the syndicator content number is increased, and the subscriber content number is also increased after a download from the syndicator occurs. Also, the comparison of the presently claimed invention occurs without downloading the content on the syndicator. Accordingly Nguyen does not teach increasing the subscriber content version number if the version number is larger than the subscriber content version number.

3.   <u>Cowan, Nguyen and their combination do not teach increasing the subscriber version number if the version number is larger than the subscriber content version number.</u>

In contrast to the teachings of Cowan, Nguyen and their combination, the presently claimed invention teaches systems and methods that distribute and synchronize version based content from a syndicator to a subscriber. [Present Specification, page 1, lines 7-8]. The syndicator can comprise any appropriately configured computer system or wireless internet access device. The syndicator includes a CPU 2, a main memory 6, a display adapter 4, a version based content storage device 10, a data transfer circuit 8, and a data synchronization circuit 12, all coupled together by a conventional bidirectional system bus 18. [Present Specification, page 8, lines 13-19] The syndicator is configured to distribute the version based content and the subscriber is configured to store the version based content as well as the subscriber content. [Present Specification, lines 12-14]. The subscriber is configured to compare the version based content's version number with the subscriber content version number. If the version based content's version number is higher than the subscriber's content version number, then the subscriber is configured to store the content from the syndicator and increase the subscriber version number. [Present Specification, page 2, lines 18-21 and page 6, lines 1-9].

As described above, Cowan, Nguyen and their combination do not teach increasing the subscriber version number if the version number is larger than the subscriber content version number. Accordingly, Cowan, Nguyen and their combination do not teach the presently claimed invention.

4.   The claims distinguish over Cowan, Nguyen and their combination.

The claims are grouped separately below to indicate that they do not stand or fall together.

a.   Claims 1-14, 18 and 19

The independent Claim 1 is directed to a version based content distribution system comprising content comprising a version number, a syndicator, wherein the syndicator is configured to transmit the version number, subscriber content comprising a subscriber content version number, and a subscriber configured to store the subscriber content, to compare the version number with the subscriber content version number, and to receive the content from the syndicator and increase the subscriber content version number if the version number is larger than the subscriber content version number, wherein the syndicator is remote from the subscriber. As discussed above, Cowan, Nguyen and their combination do not teach a subscriber configured to receive the content from the syndicator and increase the subscriber content version number if the version number is larger than the subscriber version number wherein the syndicator is remote from the subscriber. For at least these reasons, the independent Claim 1 is allowable over Cowan, Nguyen, and their combination.

Claims 2-14, 18 and 19 are all dependent from the independent Claim 1. As discussed above, the independent Claim 1 is allowable over Cowan, Nguyen and their combination. Accordingly, Claims 2-14, 18 and 19 are all also allowable as being dependent upon an allowable base claim.

b.   Claims 29-34

The independent Claim 29 is directed to a content subscription system. The content subscription system of Claim 29 comprises a server, a subscriber, a server content identification circuit configured to transmit a first signal representative of a version identifier, wherein the version identifier corresponds to a first content stored within the server, a subscriber content identification circuit configured to receive the version identifier and the first content stored within the server, wherein the subscriber content identification circuit is further configured to generate a second signal representative of a subscriber version identifier, wherein the subscriber

version identifier corresponds to a second content stored within the subscriber, and a content control circuit configured to transmit the first content to the subscriber content identification circuit and increase the subscriber version identifier in response to the second signal if the first signal is larger than the second signal, wherein the server, the server content identification circuit and the content control circuit are remote from the subscriber and the subscriber content identification circuit. As described above, Cowan, Nguyen and their combination do not teach increasing the subscriber version identifier in response to the second signal if the first signal is larger than the second signal. For at least these reasons, the independent Claim 29 is allowable over Cowan.

Claims 30-34 are all dependent from the independent Claim 29. As discussed above, the independent Claim 29 is allowable over Cowan, Nguyen and their combination. Accordingly, Claims 30-34 are all also allowable as being dependent upon an allowable base claim.

        c.   Claims 35-39 and 41-43

The independent Claim 35 is directed to a method of distributing content. The method of Claim 35 comprises defining a version number for content stored on a computer readable storage medium within a syndicator, increasing the version number when the content stored within the syndicator is updated, defining a subscriber version number for content stored on a computer readable storage medium within a subscriber, wherein the subscriber is remote from the syndicator, transmitting the version number from the syndicator to the subscriber, performing a synchronization verification wherein the subscriber version number is compared to the version number, downloading the content stored within the syndicator to the subscriber if the subscriber version number is found to be less than the version number during the synchronization verification, and increasing the subscriber version number to correspond to the version number following downloading of the content stored within the syndicator. As described above, Cowan, Nguyen and their combination do not teach increasing the version number when the content stored within the syndicator is updated. For at least these reasons, the independent Claim 35 is allowable over Cowan, Nguyen, and their combination.

Claims 36-39 and 41-43 are all dependent from the independent Claim 35. As discussed above, the independent Claim 35 is allowable over Cowan, Nguyen and their combination. Accordingly, Claims 36-39 and 41-43 are all also allowable as being dependent upon an allowable base claim.

       d.   <u>Claims 44-47 and 49-51</u>

The independent Claim 44 is directed to a method of distributing content to a subscriber comprising defining a subscriber version number for content stored on a computer readable storage medium within a subscriber, receiving a syndicator version number for content to be distributed from a syndicator to the subscriber, wherein the syndicator is remote from the subscriber, performing a synchronization verification wherein the subscriber version number is compared to the syndicator version number, downloading the content to be distributed from the syndicator to the subscriber if the subscriber version number is found to be less than the syndicator version number during the synchronization verification and increasing the subscriber version number to correspond to the syndicator version number following downloading of the content. As described above, Cowan, Nguyen and their combination do not teach increasing the subscriber version number to correspond to the syndicator version number following downloading of the content. For at least these reasons, the independent Claim 44 is allowable over Cowan, Nguyen, and their combination.

Claims 45-47 and 49-51 are all dependent from the independent Claim 44. As discussed above, the independent Claim 44 is allowable over Cowan, Nguyen and their combination. Accordingly, Claims 45-47 and 49-51 are all also allowable as being dependent upon an allowable base claim.

Grounds for Rejection

Within the Office Action, Claims 15-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Cowan in view of Fenton.

Outline of Arguments

In the discussion that follows, the Applicants discuss the teachings of Cowan, the teachings of Fenton and the teachings of the combination of Cowan and Fenton. As will be discussed in detail below, the combination of Cowan and Fenton is improper.

5.   The combination of Cowan and Fenton is improper because they are
        nonanalogous art and there is insufficient motivation for the combination.

Cowan teaches a wireless communication system and method where software upgrades are wirelessly transmitted to a mobile device based on a determination of whether such an upgrade is necessary. During an initial boot-up procedure, each mobile device queries or otherwise prompts a host computer connected to the system backbone to identify a version of operating software which is stored in the host computer. The mobile device compares the version indicia provided from the host computer with information identifying the version of operating software the mobile device presently has stored within. If the mobile device does not currently have the operating software version identified by the host computer, the mobile device prompts the host computer to download the version stored in the host computer. Otherwise, the mobile device simply continues to operate using the operating software currently stored therein. [Cowan, col. 2, lines 36-55] Thus, Cowan is directed to a wireless software upgrade system with version control.

Fenton is directed to a dynamic graphical index of website content. [Fenton, Abstract] Fenton has nothing to do with version based content distribution, thus there is no motivation to combine Cowan and Fenton. Furthermore, even if there was sufficient motivation, Cowan is directed to a wireless software upgrade system with version control whereas Fenton is directed to dynamic graphical indexing of website content. Wireless upgrading is not the same field as dynamic graphical indexing. As a result, Cowan and Fenton are nonanalogous art and should not be combined.

Within the Response to Arguments section of the Office Action, in response to the arguments above that Fenton is nonanalogous art, it is stated that Claims 15-17 have nothing to do with a version based content distribution. [Office Action of May 5, 2010, page 2] Applicants respectfully disagree. Claims 15-17 all begin with "The version based content distribution system..." Furthermore, Claim 16 includes claim language towards channels, subchannels and categories. Thus, Fenton which is directed to a dynamic graphical index of website content is nonanalogous art compared to the claimed invention of distributing and synchronizing version based content from a syndicator to a subscriber. Further within the Office Action, it is asserted that "there is nothing precluding the data obtained by Cowan from being stored in a similar manner to that disclosed by Fenton." [Office Action of May 5, 2010, page 2] However, the physical capability of a combination is not sufficient to show motivation for said combination.

In particular, MPEP §2143.01 (III) states that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." In re Mills, 916 F.2d 680 (Fed. Cir. 1990) Accordingly, the mere fact that nothing precludes the combination of Cowan and Fenton does not mean that their combination is permitted. Thus, the combination of Cowan and Fenton is improper.

      6.   The claims distinguish over Cowan, Fenton and their combination.

        a.   Claims 15-17

Claims 15-17 are all dependent from the independent Claim 1. As discussed above, the independent Claim 1 is allowable over Cowan, Nguyen and their combination. Accordingly, Claims 15-17 are all also allowable as being dependent upon an allowable base claim.

Grounds for Rejection
Within the Office Action, Claim 20 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Cowan in view of Li.
Claim 20 is dependent from the independent Claim 1. As discussed above, the independent Claim 1 is allowable over Cowan, Nguyen and their combination. Accordingly, Claim 20 is also allowable as being dependent upon an allowable base claim.

Grounds for Rejection
Within the Office Action, Claims 31, 40 and 48 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Cowan in view of Saether.
Claims 31, 40 and 48 are dependent on the independent Claims 29, 35 and 44, respectively. As discussed above, the independent Claims 29, 35 and 44 are all allowable over Cowan, Nguyen and their combination. Accordingly, Claims 31, 40 and 48 are all also allowable as being dependent upon an allowable base claim.

7. <u>CONCLUSION</u>

For the above reasons, it is respectfully submitted that the Claims 1-20 and 29-51 are allowable over the cited prior art references. Therefore, a favorable indication is respectfully requested.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: September 29, 2010   By: /Jonathan O. Owens/
                                Jonathan O. Owens
                                Reg. No.: 37,902
                                Attorney for Applicant

VIII. <u>CLAIMS APPENDIX</u>

This appendix includes a list of the claims under appeal.

1. A version based content distribution system comprising:
    a. content comprising a version number;
    b. a syndicator, wherein the syndicator is configured to transmit the version number;
    c. subscriber content comprising a subscriber content version number; and
    d. a subscriber configured to store the subscriber content, to compare the version number with the subscriber content version number, and to receive the content from the syndicator and increase the subscriber content version number if the version number is larger than the subscriber content version number;
    wherein the syndicator is remote from the subscriber.

2. The version based content distribution system of claim 1, wherein the syndicator comprises a server.

3. The version based content distribution system of claim 1, wherein the subscriber is further configured to display the subscriber content.

4. The version based content distribution system of claim 1, wherein the subscriber comprises a personal digital assistant.

5. The version based content distribution system of claim 1, wherein the subscriber comprises a hand held electronic device.

6. The version based content distribution system of claim 1, wherein the subscriber comprises a personal computer.

7. The version based content distribution system of claim 1, wherein the syndicator further comprises a data synchronization scheme configured to compare the version number with the subscriber content version number and to transfer the content to the subscriber based on a predetermined transfer method.

8. The version based content distribution system of claim 7, wherein the predetermined transfer method comprises an application driven data transfer method.

9. The version based content distribution system of claim 7, wherein the predetermined transfer method comprises an isochronous data transfer method.

10. The version based content distribution system of claim 9, wherein the isochronous data transfer method comprises a syndicator to subscriber one-way synchronization.

11. The version based content distribution system of claim 1, wherein the subscriber is configured to communicate with the syndicator via an internet protocol method.

12. The version based content distribution system of claim 1, wherein the subscriber is further configured to receive content based on preferences set by a user of the subscriber.

13. The version based content distribution system of claim 1, wherein the syndicator is further configured to store the content.

14. The version based content distribution system of claim 1, wherein the content is organized on the syndicator in a flat format structure.

15. The version based content distribution system of claim 1, wherein the content is organized on the syndicator in a tree like structure.

16. The version based content distribution system of claim 15, wherein the tree like structure comprises one or more channels, wherein each of the one or more channels comprise one or more subchannels, and further wherein each of the one or more subchannels comprise one or more categories.

17. The version based content distribution system of claim 16, wherein each of the one or more categories comprise one or more real content names.

18.   The version based content distribution system of claim 1, wherein the content comprises digital media.

19.   The version based content distribution system of claim 1, wherein the content comprises JPEG, MPEG, MP3, or FLASH files.

20.   The version based content distribution system of claim 1, wherein the content distribution system further comprises a proxy personal computer configured to receive the content from and communicate with the syndicator and to transmit the content received from the syndicator to the subscriber.

Claims 21-28 (canceled).

29.   A content subscription system comprising:
   a.   a server;
   b.   a subscriber;
   c.   a server content identification circuit configured to transmit a first signal representative of a version identifier, wherein the version identifier corresponds to a first content stored within the server;
   d.   a subscriber content identification circuit configured to receive the version identifier and the first content stored within the server, wherein the subscriber content identification circuit is further configured to generate a second signal representative of a subscriber version identifier, wherein the subscriber version identifier corresponds to a second content stored within the subscriber; and
   e.   a content control circuit configured to transmit the first content to the subscriber content identification circuit and increase the subscriber version identifier in response to the second signal if the first signal is larger than the second signal;
wherein the server, the server content identification circuit and the content control circuit are remote from the subscriber and the subscriber content identification circuit.

30.   The content subscription system of claim 29, wherein the subscriber version identifier comprises a version number.

31. The content subscription system of claim 29, wherein the subscriber version identifier comprises a date and time stamp.

32. The content subscription system of claim 29, wherein the first content comprises digital media.

33. The content subscription system of claim 29, wherein the first content comprises JPEG, MPEG, MP3, or FLASH files.

34. The content subscription system of claim 29, wherein the system further comprises an output signal generation circuit electronically coupled to the server and the subscriber and configured to detect a difference between the version identifier and the subscriber version identifier and generate a control output signal that instructs the content control circuit to transmit the first content to the subscriber content identification circuit if the version identifier is greater than the subscriber version identifier.

35. A method of distributing content comprising:
    a. defining a version number for content stored on a computer readable storage medium within a syndicator;
    b. increasing the version number when the content stored within the syndicator is updated;
    c. defining a subscriber version number for content stored on a computer readable storage medium within a subscriber, wherein the subscriber is remote from the syndicator;
    d. transmitting the version number from the syndicator to the subscriber;
    e. performing a synchronization verification wherein the subscriber version number is compared to the version number;
    f. downloading the content stored within the syndicator to the subscriber if the subscriber version number is found to be less than the version number during the synchronization verification; and
    g. increasing the subscriber version number to correspond to the version number following downloading of the content stored within the syndicator.

36.   The method of distributing content of claim 35, wherein the syndicator comprises a server.

37.   The method of distributing content of claim 35, wherein the subscriber comprises a personal digital assistant.

38.   The method of distributing content of claim 35, wherein the subscriber comprises a hand held electronic device.

39.   The method of distributing content of claim 35, wherein the subscriber comprises a personal computer.

40.   The method of distributing content of claim 35, wherein the version number comprises a date and time stamp.

41.   The method of distributing content of claim 35, wherein the version identifier comprises a version number.

42.   The method of distributing content of claim 35, wherein the content stored within the syndicator comprises digital media.

43.   The method of distributing content of claim 35, wherein the content stored within the syndicator comprises JPEG, MPEG, MP3, or FLASH files.

44.   A method of distributing content to a subscriber comprising:

   a.   defining a subscriber version number for content stored on a computer readable storage medium within a subscriber;

   b.   receiving a syndicator version number for content to be distributed from a syndicator to the subscriber, wherein the syndicator is remote from the subscriber;

   c.   performing a synchronization verification wherein the subscriber version number is compared to the syndicator version number;

d.   downloading the content to be distributed from the syndicator to the subscriber if the subscriber version number is found to be less than the syndicator version number during the synchronization verification; and

e.   increasing the subscriber version number to correspond to the syndicator version number following downloading of the content.

45.   The method of distributing content to a subscriber of claim 44, wherein the subscriber comprises a personal digital assistant.

46.   The method of distributing content to a subscriber of claim 44, wherein the subscriber comprises a hand held electronic device.

47.   The method of distributing content to a subscriber of claim 44, wherein the subscriber comprises a personal computer.

48.   The method of distributing content to a subscriber of claim 44, wherein the subscriber version number comprises a date and time stamp.

49.   The method of distributing content to a subscriber of claim 44, wherein the subscriber version number comprises a version number.

50.   The method of distributing content to a subscriber of claim 44, wherein the content to be distributed from the syndicator to the subscriber comprises digital media.

51.   The method of distributing content to a subscriber of claim 44, wherein the content to be distributed from the syndicator to the subscriber comprises JPEG, MPEG, MP3, or FLASH files.

IX.   EVIDENCE APPENDIX

STATEMENT

Pursuant to 37 C.F.R. § 41.37(c)(1)(ix), the following is a statement setting forth where in the record the evidence of this appendix was entered by the examiner:

Evidence Description:	Where Entered:
U.S. Patent No. 5,848,064	Office Action mailed February 2, 2010
U.S. Patent No. 7,117,482	Office Action mailed May 28, 2008
U.S. Patent No. 6,990,498	Office Action mailed May 28, 2008
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X.   RELATED PROCEEDINGS APPENDIX

There are no related proceedings.